

92

PATENT
Customer No. 22,852
Attorney Docket No. 02814.0054

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
André MAARTENS et al.) Group Art Unit: 1723
)
Application No.: 10/090,802) Examiner: Ana M. Fortuna
)
Filed: March 6, 2002)
) Confirmation No.: 6653
For: MONITORING UNIT FOR)
MONITORING THE CONDITION)
OF A SEMI-PERMEABLE)
MEMBRANE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO OFFICE ACTION

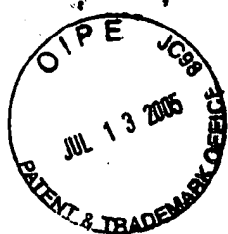
In reply to the Office Action mailed October 6, 2004 (no statutory response period
having been indicated), please amend the above-identified application as follows:

Amendments to the claims are reflected in the listing of claims in this paper.

Remarks follow the amendment section of this paper.

Adjustment Date: 09/01/2005 SDIRETA1
04/27/2005 GBUTLER 00000006 060916 10090802
01 FC:1254 1590.00 CR

DEP 3 REF



PATENT MAINTENANCE
DIVISION

2005 JUL 14 11 05 19

PATENT & TRADEMARK
OFFICE

PATENT
Customer No. 22,852
Attorney Docket No. 2814-54

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
André Maartens et al.) Group Art Unit: 1723
)
Application No.: 10/090,802) Examiner: Ana M. Fortuna
)
Filed: March 6, 2002)
)
For: Monitoring Unit for Monitoring the) Confirmation No.: 6653
Condition of a Semi-Permeable)
Membrane)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR REFUND

Applicants request a refund of the amount of \$1590 charged against this case on or about April 30, 2005 for an apparent fourth month extension of time. Not only should no extension fee have been charged to this case, but a fourth month extension of time extends the due date beyond the six month statutory period for filing a Reply.

On October 6, 2004 an Office Action was issued by Examiner Fortuna in this case. No shortened statutory period for Reply was set forth in the Office Action. Consequently, as specifically set forth in the Office Action, the period for reply was six (6) months or April 6, 2005.

A timely Reply was filed on April 5, 2005. Thus no extension of time fee was required in this case.

A copy of the first two pages of the Office Action and a stamped postcard showing receipt of the Reply on April 5, 2005 is enclosed.

Please credit the amount of \$1590 to deposit account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 13, 2005

By: 

Arthur S. Garrett
Reg. No. 20,338

933735_1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/090,802 | 03/06/2002 | Andre Maartens | 02814.0054 | 6653 |

7590 10/06/2004
Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315



| |
|----------|
| EXAMINER |
|----------|

FORTUNA, ANA M

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1723

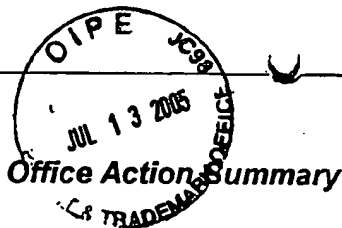
DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

10/8/04
Case: 02814-0054
Due Date: 4/6/05 w/cuups
Action: RESPONSE
By: [Signature]

RTK

OCT 12 2004



| | | |
|-------------------------------|--------------------------------|------------------|
| Application No. 10/090,802 | Applicant(s) MAARTENS ET AL | |
| | Examiner Ana M Fortuna | Art Unit 1723 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |



ASG/TDJ

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Application of: André MAARTENS et al.

Application No.: 10/090,802

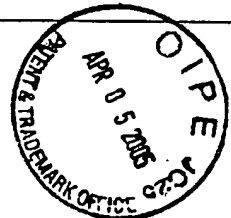
Group Art Unit: 1723

Filed: March 6, 2002

Examiner: Ana M. Fortuna

For: MONITORING UNIT FOR MONITORING THE CONDITION OF A SEMI-PERMEABLE MEMBRANE

1. Reply to Office Action (18 pages)
2. Copy of new Detailed Action portion of an Office Action (8 pages)



Date: April 5, 2005

Docket No.: 02814.0054-00000

(Due Date: April 6, 2005--FINAL)

ASGarrett/TDJennings/LDCClark - Mail Drop R-977B

4/5/05
AC